REMARKS

Claims 1-24 are pending in the application. In the Office Action dated July 28, 2005, the Examiner rejected claims 1-3, 6-8, 10, 11, 15-17, 21, and 23-24 under 35 U.S.C. § 102(e) as being anticipated by U.S. Pub. No. 2002/0144276 ("Radford"). Further, claims 4, 12-13, and 18-19 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Radford and claims 5, 14, and 20 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Radford in view of U.S. Pat. No. 5,701,582 ("DeBay"). Finally, claims 9 and 22 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Radford in view of U.S. Pat. No. 5,940,117 ("Hassan").

In this Amendment, claims 1, 11, 18, and 21 have been amended. Applicants respectfully request reconsideration and withdrawal of the rejections in light of the amendments to the claims and the following remarks.

I. Radford Does Not Anticipate the Currently-Claimed Invention

Independent claims 1, 11, 18, and 21 are each directed to a method, system, or set-top box for downloading video content representing a program to a subscriber terminal, subscriber premises, set-top box, or networked device. Generally, the video content is decomposed into a plurality of video quality portions comprising a low-quality video portion that comprises a complete copy of the program at a low video quality. A complete copy of the low-quality video portion is stored locally. ***After a complete copy of the low-quality video portion is stored locally***, a user may make a request for the program corresponding to the video content. In response to the request made by the user ***after a complete copy of the low-quality video portion is stored locally***, one of the plurality of video quality portions of a higher quality than the low-quality video portion is downloaded to the subscriber terminal, subscriber premises, set-top box, or networked device. Radford fails to disclose or suggest storing a complete low-quality copy of the video content comprising a complete copy of the program locally ***before*** permitting a user to request a program corresponding to the video content.

Radford is directed to a system and method for providing information over a communications network In Radford, information is ***streamed*** from a server to a client device in response to a request for the information. A user may choose to have information such as a program streamed at different quality levels to the client device, but at no time is a complete copy of the program, at any quality level, stored at the client device ***before*** a user may request viewing a program at a higher quality level. In other words, due to the fact information in Radford is ***streamed*** and not ***downloaded***, a complete copy of the information such as a program at a low quality cannot be stored locally before a user may choose to have information such as a program streamed at a different quality level. Each of the current independent claims recites that a complete low-quality copy of information such as a program is stored locally ***before*** a user may make a request for a program corresponding to the video content which causes one of the higher quality video portions to be downloaded.

Due to the fact Radford does not disclose storing locally a complete copy of information such as a program ***before*** a user may make a request for a program corresponding to the video content which causes one of the higher quality video portions to be downloaded as in the independent claims, Radford necessarily cannot anticipate the independent claims or any of their dependent claims. Applicants respectfully request withdrawal of the rejection to claims 1-3, 6-8, 10, 11, 15-17, 21, and 23-24 under 35 U.S.C. § 102(e) and the rejection to claims 4, 12-13, and 18-19 under 35 U.S.C. § 103(a).

II. The Proposed Combination of Radford and DeBay Does Not Render the Currently-Claimed Invention Unpatentable

Like Radford, DeBay also does not disclose or suggest storing locally a complete low-quality copy of information such as a program at a user device or set-top box ***before*** a user may request for the program which causes higher quality program information to be downloaded. DeBay is directed to a system and method of optimizing transmission of a program to multiple users over a distribution system. As stated by the

Examiner, DeBay discloses pre-caching a first segment of a movie. When the movie is request by the user, the stored first segment of the movie may be played while the remaining portion of the movie is transmitted. Therefore, a complete copy of the movie is not stored locally ***before*** a user may request the movie. In contrast, the current independent claims recite storing locally a complete low-quality copy of the content such as a program ***before*** a user may request the program which causes higher quality program information to be downloaded.

Due to the fact neither Radford nor DeBay disclose or suggest storing locally a complete low-quality copy of the content ***before*** a user may request a program which causes higher quality program information to be downloaded, any combination of Radford and DeBay necessary cannot render the independent claims, or any of their dependent claims, unpatentable. Applicants respectfully request withdrawal of the rejection to claims 5, 14, and 20.

III. The Proposed Combination of Radford and Hassan Does Not Render the Currently-Claimed Invention Unpatentable

Like Radford and DeBay, Hassan also does not disclose or suggest storing locally a complete low-quality copy of any video at a user device or set-top box ***before*** a user may request the video which causes a higher quality video to be downloaded. Hassan is directed to a method for transmitting multiresolution image data via wireless devices in a radio frequency communication system wherein images are decomposed into levels of resolution. Critically, Hassan is limited to ***image data*** and does not disclose any methods or system for use with ***video***. Hassan only discloses a system in which a single image may be tuned to a higher resolution. In the Office Action dated July 28, 2005, the Examiner asserted that it is well known to extend the principles taught by Hassan to other types of multimedia data, including audio and video. In support, the Examiner cited U.S. Pat. No. 5,974,376 ("Hassan II") and A. Ortega, Optimization Techniques for Adaptive Quantization of Image and Video Under Delay Constraints, page 132 (June 1994), http://sipi.usc.edu/~ortega/Thesis.html ("Ortega").

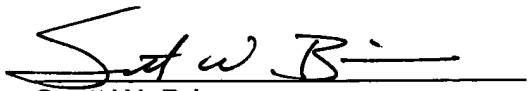
As admitted by the Examiner, Hassan II is limited to ***audio data*** and does not disclose any methods or system for use with ***video***. Further, Ortega only states that a multiresolution approach has "been proposed" for video. Ortega, page 132. Simply stating that a concept has "been proposed" fails to disclose anything with respect to the state of art. Applicants submit that Ortega does not establish that it is well known to extend the principles taught by Hassan to video data and respectfully disagree with the Examiner.

Due to the fact neither Radford or Hassan disclose or suggest storing locally a complete low-quality copy of an video ***before*** a user may request the video which causes a higher quality video to be downloaded, any combination of Radford and Hassan necessarily cannot render the independent claims, or any of their dependent claims, unpatentable. Applicants respectfully request withdrawal of the rejection to claims 9 and 22.

IV. CONCLUSION

In view of the foregoing amendment and remarks, Applicant submits that the pending claims are in condition for allowance. Reconsideration is therefore respectfully requested. If there are any questions concerning this Response, the Examiner is asked to phone the undersigned attorney at (312) 321-4200.

Respectfully submitted,



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